

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GERARDINO MORENO,

Defendant.

8:09CR43

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. [24](#)). The motion does not comply with [NECrimR](#) 12.1(a) and paragraph 9 of the Progression Order (Doc. [13](#)) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

For these reasons,

IT IS ORDERED that the motion is held in abeyance until April 10, 2009. If the deficiency noted above is not cured by **April 10, 2009**, the motion may be denied.

DATED April 3, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge